

April 16, 2021

Borough of Bradley Beach
Zoning Board of Adjustment
701 Main Street
Bradley Beach, NJ 07720

**Re: Preliminary & Final Major Site Plan
501 Lake Terrace, LLC
Block 7, Lot 2.03
501-511 Lake Terrace
Borough of Bradley Beach
Our File BBBA 20-12**

Dear Chairman and Board Members:

Our office has received and reviewed an application submitted for Board approval in connection with the above referenced project. Submitted with the application are the following:

- An aerial exhibit consisting of one (1) sheet prepared by InSite Engineering, LLC, dated November 20, 2020, with no revisions.
- Six (6) pages of photos of the site.
- Drainage narrative consisting of one (1) sheet prepared by Jason L. Fichter, P.E., P.P., C.F.M. of InSite Engineering, LLC, dated November 20, 2020, with no revisions.
- An architectural plan consisting of two (2) sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated December 14, 2020, with no revisions.
- Drainage area map consisting of two (2) sheets prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E. of InSite Engineering, LLC, dated November 20, 2020, with no revisions.
- A Preliminary & Final Major Site Plan consisting of thirteen (13) sheets prepared by Jason L. Fichter, P.E., P.P., C.F.M., C.M.E. of InSite Engineering, LLC, dated November 20, 2020, with no revisions.

This application is deemed complete. Our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:

1. **Project Description**

- A. The property is located at house number 501 Lake Terrace (Lot 2.03, Block 7) with a total of 63,728 square feet (1.7385 ac.).
- B. The existing lot contains two (2) apartment buildings, which consist of 40 apartment units.
- C. The Applicant is proposing to expand and repave the parking lots on-site, construct a covered entrance, new refuse enclosure, remove and replace sidewalks on-site and along the roadways, new landscaping, and upgrade the lighting on-site.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-family Zone and the existing apartment building is not a permitted use in this zone.
- B. The proposed improvements require Board approval for variances on use, front yard setback to the covered entry, building coverage, impervious coverage, off-street parking, driveway width, driveway setback, aisle width for off-street parking, and others as described in this letter.

3. **Variances and Waivers**

- A. In accordance with Section 450-26.A, the existing apartment building is not a permitted use. The proposed improvements are an expansion of a non-conforming use.

A D (2) use variance for the expansion of a non-conforming use is required. To obtain a D (2) use variance, the Applicant must show that the proposal meets three separate criteria.

- 1) **Special Reasons.** Proving the positive criteria for D (2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
- 2) **Intent of the Zone Plan (negative criterion #1).** The Applicant must prove that the proposed expansion does not substantially impair the intent of the zoning ordinance or master plan.

- 3) **Detriment to the Public Good (negative criterion #2).** The Applicant must prove that the expansion of the proposed use would not have a substantial detriment on nearby properties.
- B. In Section 450-13.A., an open unscreened entrance porch leading to the basement, cellar, or first floor, projecting not more than 8 feet in depth into a required front yard area and not exceeding the width of the existing or proposed structure. The permitted setback along Lake Terrace is 17 feet. The Applicant is proposing a front yard setback of 6.9 feet to the front entry. **A variance is required.**
- C. In accordance with Section 450-26.D., area, yard and building requirements, the following variances or existing non-conformities are noted below:
- 1) In accordance with Section 450-26.D.(1)(d), the minimum front yard setback permitted for a street running east to west (Lake Terrace) is 25 feet and for a street running north to south (Fletcher Lake Avenue) is 15 feet, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is greater. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard setback distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same side of the street within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The average depth will be from the front wall of the structure, provided that such setback is not less than 10 feet. Front porches shall also be averaged within 200 feet on each side of the lot and within the same blockfront. The Applicant did not provide the mapping of the average front yard setback.

The existing front yard setback is 12.0 feet along Fletcher Lake Avenue, which represents an existing non-conformity. The existing front yard setback is 10.4 feet along Lake Terrace, which represents an existing non-conformity.
 - 2) In accordance with Section 450-26.D.(1)(e), the minimum side yard setback permitted is 5 feet and 10 feet. The existing side yard setback is 1.8 feet and over 60 feet. The existing side yard setback of 1.8 feet represents an existing non-conformity.
 - 3) In accordance with Section 450-26.D.(1)(f), the minimum rear yard setback permitted is 25 feet. The existing rear yard setback is 2.7 feet, which represents an existing non-conformity.

- 4) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot. The existing building coverage is 40.8%, which represents an existing non-conformity. The Applicant is proposing a building coverage of 41.0%. **A variance is required.**
- 5) In accordance with Section 450.26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot. The existing impervious coverage is 60%, which conforms. The Applicant is proposing an impervious coverage of 68.5%. **A variance is required.**

D. In accordance with Section 450.39.E, residential parking shall be specified in Residential Site Improvement Standards. The requirement is 1.8 spaces for a one-bedroom and two (2) spaces for a two-bedroom. Studio apartments are considered a one-bedroom apartment for parking requirements. The building has four (4) studio apartments and 28 one-bedroom apartment, which require fifty-eight (58) parking spaces. The building has eight (8) two-bedroom apartments, which requires sixteen (16) parking spaces. The site requires a total of seventy-three (73) parking spaces.

The existing site has twenty-three (23) off-street parking spaces which represents an existing non-conformity. The Application is proposing thirty-eight (38) parking spaces which include two (2) ADA compliant parking spaces. **A variance is required.**

- E. In accordance with Section 450-41.B.(1), a minimum setback of 5 feet shall be maintained between a driveway and the lot line of any adjoining property. The existing driveway setback is 1.1 feet for the driveway to Newark Avenue. This represents an existing non-conformity. The proposed driveway setback is over 22 feet for the driveway to Lake Terrace, which conforms.
- F. In accordance with Section 450-41.B.(2), the curb cut shall be a maximum of 26 feet wide for two-way traffic. The driveway apron shall be a maximum of 24 feet wide at the property line and 26 feet wide at the curb line for two-way traffic. The Applicant is replacing the existing driveway apron on Newark Avenue. The existing driveway apron is 21.1 feet wide at the property line and 25.1 feet wide at the curblines. The driveway apron on Newark Avenue conforms.

The Applicant is proposing a driveway apron on Lake Terrace. The proposed driveway apron is 24 feet wide at the property line and 28 feet wide at the curblines. **A variance is required for the proposed driveway apron width at the curblines.**

In accordance with Section 450-41.B.(2) each lot shall have no more than one (1) two-way driveway and curb cut. The existing lot has two (2) two-way driveways and curb cuts. This represents an existing non-conformity.

- G. In accordance with Section 450-41.B.(7), no ingress or egress drive shall enter upon a public road or highway at a point closer than 50 feet to any street intersection or closer than 30 feet to any property line. The existing Newark Avenue drive is 47.4 feet from an intersection and is 1.1 feet from the property line. This represents an existing non-conformity.

The proposed Lake Terrace drive is greater than 50 feet from the intersection and is approximately 22 feet from the property line. **A variance is required for the setback from the property line.**

- H. In accordance with Section 450-41.B.(8), the minimum aisle width for parking angle of 90° is 25 feet. The Applicant is proposing an aisle width of 22.8 feet for the parking lot along Newark Avenue and 24.0 feet for the parking lot along Lake Terrace. **A variance is required for each aisle width.**

- I. In accordance with Section 450-41.B.(11), the minimum parking space size shall be 9 feet wide by 18 feet deep, except for handicap accessible spaces shall comply with ADA standards and requirements.

The Applicant is proposing ten (10) parking spaces to have a width of 9 feet and a depth of 16 feet. **A variance is required for the length of the parking spaces.**

The remaining proposed parking spaces will have a width of 9 feet and a depth of 18 feet, which conforms.

4. **Stormwater Management**

- A. The Applicant does not propose an increase of more than a quarter acre of new impervious surfaces. The project is below the threshold of a major development and is **exempt** from NJDEP Best Management Rules.
- B. The Applicant has designed an underground drywell system within the site to address runoff discharge.
- C. The Applicant shall provide a Stormwater Operation and Maintenance Manual in accordance with NJDEP BMP Standards.

- D. The following maps (11" x 17") shall be provided within the Maintenance Report:
- 1) Grading Plan
 - 2) Drainage and Utility Plan
 - 3) Landscape Plan and Details
- E. The following notes shall be added to the Grading and Drainage Plan:
- 1) Stormwater management facilities shall be regularly maintained to insure they function at design capacity and to prevent health hazards associated with debris buildup and stagnant water.
 - 2) Responsibility for operation and maintenance of the stormwater facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner or owners of the property. Maintenance shall follow the operations maintenance manual approved by the Board Engineer.
 - 3) In the event that the facility becomes a danger to public safety or public health, or if it is need of maintenance. The Owner shall affect such maintenance and repair of the facility in a manner that is approved by the Borough Engineer.

5. **Landscaping & Lighting**

- A. The Applicant is proposing landscaping along the building frontage of Lake Terrace. Also, landscaping is proposed around the parking area, which provides a buffer for the adjacent property. The Applicant should provide testimony on landscaping.
- B. In accordance with Section 450-41.A.(9), all parking areas and related access drives shall be adequately illuminated during all hours between sunset and sunrise. All such illumination shall be adequately shielded in such a manner as to protect any adjacent residential properties from glare generated by said illumination. The lighting plan indicates spillage of lighting onto adjacent residential properties. The Applicant should provide testimony on the site lighting.

6. **General Comments**

- A. The Applicant should be aware that Lake Terrace is County Road 18. The Applicant should secure the appropriate approval from the County.

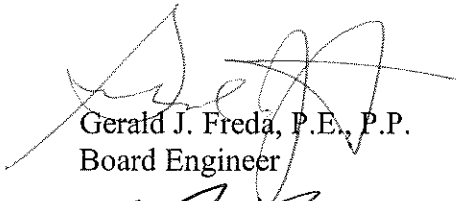
- B. A General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. The Applicant should provide information that taxes are currently paid.
- E. The Applicant shall secure any and all construction permits need for the project.

Our office reserves the right to provide additional comments upon receipt of revised plans.


If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Gerald J. Freda, P.E., P.P.
Board Engineer



Christine Bell, P.P., A.I.C.P., C.F.M.
Board Planner

DMH:mfl
cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq., Board Attorney
Michael Savarese, R.A., Applicant's Architect
Jason L. Fichter, P.E., Applicant's Engineer
BB/BA/20/20-12a